

Random Drug Testing Program Policy

When a defendant is released with the condition of drug testing and treatment, they will be entered into the **Random Drug Testing Program (RDTP)** if he/she tests positive at the initial intake interview or admits having used illegal drugs within the past year. The defendant will be tested on a schedule to be determined by the PSO in collaboration with the SPSO.

Enrollment into the RDTP:

To enroll the defendant in the RDTP, the PSO and the defendant must complete and sign the RDTP enrollment form. The original signed form should be retained in the case file and a copy provided to the defendant. **There will be certain other exceptions to automatic enrollment in RDTP:**

1. A defendant with significant mental health issues (to be determined by PSO in conjunction with SPSO).
2. A defendant who is released with the condition of electronic monitoring
3. A defendant with a severe medical condition/illness or a physical disability who may need to make special arrangements before reporting.
4. A defendant with a specific condition as to the frequency of testing
5. A defendant who is released with the condition of drug testing and treatment who tested negative at the initial interview, reported no drug use history or no use within the past year, and there are no factors which would indicate current drug use. Under these circumstances, the defendant will be tested randomly by the officer as follows: once within the first month in addition to the initial intake urinalysis; a total of three times within the first three months of supervision; and once more prior to the six-month case review (for a total of four times during the first six months). If the defendant tests negative for the first six months of supervision, and there is no evidence of drug use as determined by PSO in conjunction with SUSPSO, the defendant will be tested randomly by the officer two more times over the next six-month period. Should the defendant test negative for a year, PSO in conjunction with SUSPSO may determine it appropriate to seek removal of the condition by petitioning the court. Should the defendant test positive at any time during supervision, or not comply with procedures, he/she will be placed in the RDTP.

The officer should enroll the defendant in the **RDTP** immediately upon release at the post release intake interview and no later than the submission of the initial supervision plan. If for some reason there is a delay, the defendant should be tested weekly until they are officially enrolled.

There are **four levels** of drug testing. The assigned level determines the frequency of the testing. Each level will have two or more colors assigned to it in an effort to eliminate the possibility of numerous defendants reporting on the same date thereby needlessly overburdening staff.

The level at which the defendant starts should be determined by the following factors:

1. History of drug use (based on self-reporting and any previous treatment records available to PSA)
2. Current drug use (based on self-reporting at the time of the initial interview and the post release intake interview)
3. Results of drug test (s)
4. Specific condition imposed by court (e.g., test defendant 3 times per week) or another district (e.g., CSUP for another district who specifically requests twice a week)

Levels I - IV

The level (**I - IV**) assigned determines the number of times the defendant will be tested per month. A defendant assigned to **Level I** will be tested **at least once** a month; a defendant assigned to **Level II** will be tested **at least twice** per month; a defendant assigned to **Level III** will be tested **at least three** times per month; and a defendant assigned to **Level IV** will be tested **at least four** times per month. **All defendants in the RDTP must be started at Level II or Level IV depending on the particular drug(s) they use/abuse and the history of drug use/abuse.**

The following are guidelines for assigning levels, however, the supervisor will confer with DATS as needed:

Level IV - Typically defendants who use **opiates** (e.g., heroin or prescribed pain killers), **stimulants** (e.g., cocaine, amphetamine), **hallucinogens** (e.g., PCP and LSD) and **depressants** (alcohol) should be assigned to **Level IV**. In addition, methamphetamine, GHB/GBL, ketamine, ecstasy, or other designer drugs should be assigned to this level. If a defendant tests positive for a **Level IV** drug (heroin, cocaine, amphetamine, methamphetamine, PCP, LSD, GHB/GBL, ketamine, ecstasy, or other designer drugs) after being placed on a **Level III, II or I**, he or she should be immediately moved back to **Level IV**.

Level III - After a conference (a **conference** whether by phone or in person is defined as a brief scheduled meeting in which the officer and supervisor are in attendance) has taken place between the officer and the supervisor and a defendant has successfully completed three months at **Level IV**, he can be moved to **Level III** with the supervisor's approval. **Success** is defined as all negative results for three consecutive months when

a defendant reports for testing as prompted by the call-in message unless providing an excused absence for any missed tests (e.g., a physician's note or other medical verification, verified court appearance in another district or jurisdiction - state, county, city, etc.). *****If a defendant is not excused or does not provide verification for the missed urinalysis, it is considered a positive ua result and therefore the defendant will continue at the same level for an additional 3 months.**

Level II - Defendants who use only marijuana should be assigned to **Level II**. This level would also be assigned to a defendant who had successfully completed **Level III** by testing negative for three consecutive months. If a defendant tests positive for a **Level II** drug (marijuana), after being placed on **Level I**, he or she should be immediately moved back to **Level II**.

Level I - Is appropriate for a defendant who has successfully completed **Level II** by testing negative for three consecutive months.

Miscellaneous information about RDTP:

Testing Procedure for Marijuana users: As indicated earlier, defendants who use only marijuana should be assigned to **Level II** of the RDTP. Upon three months of negative urinalysis results at level II, along with a determination by PSO and SUSPSO that the defendant has remained drug free during that period while complying with procedures, the defendant will be removed from the RDTP. Following removal from the RDTP, the defendant will be tested randomly once monthly by PSO for a subsequent three months. Upon six months of negative urinalysis results and compliance with procedures, the defendant will be tested randomly by the officer twice during the following six months. Should the defendant test negative for a year, PSO in conjunction with SUSPSO may seek removal of the condition. Should the defendant test positive at any time during supervision, or not comply with procedures, he/she will be placed back into in the RDTP at **Level II**.

Any time an officer is contemplating removal of a defendant from the RDTP, a conference between the officer and the supervisor must first occur. After that conference is held, the removal of the defendant from the RDTP must be authorized by the supervisor. If removal from the RDTP is authorized, the scheduling of any further testing will be determined by the supervisor and the officer.

If an officer feels it is necessary for the defendant to remain at any level for longer than three months, a conference with the supervisor needs to take place and the supervisor must authorize it.

Alcohol testing:

If after the initial interview with the defendant and review of the criminal history, the officer has concerns about a possible alcohol problem, in the psa report he/she should

recommend random alcohol testing on a schedule to be determined after conferring with their supervisor and/or DATS.

Chronological entries:

The supervisor will make a chronological entry summarizing each conference and the outcome.

Additional reminder:

*****If a defendant is not excused or does not provide verification for the missed urinalysis, it is considered a positive ua result and therefore the defendant will continue at the same level for an additional 3 months.**